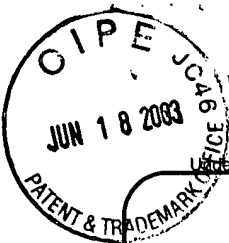


2151
#9



PTO/SB/21 (03-03)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/834,376	
	Filing Date	April 13, 2001	
	First Named Inventor	David K. RENSIN	
	Art Unit	2151	
	Examiner Name	SHEIKH, Ayaz R.	
Total Number of Pages in This Submission	10	Attorney Docket Number	12544-39790

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Assignments, itemized postcard
Remarks _____		

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 FINANCE SECTION

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Chad D. TILLMAN [38.634] MORRIS, MANNING & MARTIN, LLP
Signature	<i>Chad D. Tillman</i>
Date	June 16, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>June 16, 2003</u>			
Typed or printed	Kathryn A. Snyder		
Signature	<i>Kathryn A. Snyder</i>	Date	June 16, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

David K. RENSIN ET AL.)
U.S. Application Serial No. 09/834,376) Group Art Unit: 2155
Filed : April 13, 2001)
For : Systems and Method for Automatically) Examiner: Sheikh, Ayaz R.
Accessing Internet Information From a Local)
Application on a Handheld Internet Appliance)
Atty Docket No. 12544-39790)

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JUL 01 2003

Commissioner for Patents
Washington, DC 20231

Technology Center 2100

37 C.F.R. §3.73(b) STATEMENT AND POWER OF ATTORNEY

The Assignee for the above-identified U.S. patent application (hereinafter "Patent Application"), and the invention disclosed therein, hereby states pursuant to 37 C.F.R. §3.73(b) that the Assignee is the sole owner of the Patent Application to the exclusion of each inventor thereof.

The Assignee establishes its ownership by submission herewith of a copy of an assignment executed by each inventor of the Patent Application in favor of OmniSky Corporation, and a copy of an assignment from OmniSky Corporation in favor of EarthLink, Inc. As the established owner of the Patent Application, the Assignee hereby invokes its right to conduct prosecution of the Patent Application to the exclusion of each named inventor.

The Assignee further hereby appoints the Attorneys and Patent Agents of Morris Manning & Martin, L.L.P., associated with Customer Number 026702 in the records of the U.S. Patent & Trademark Office and as updated from time to time, to prosecute the Patent Application and to transact all business in the U.S. Patent & Trademark Office connected therewith.



26702

PATENT TRADEMARK OFFICE

All correspondence in this case should be directed to the same Customer Number.

The Assignee hereby declares that no other person or entity is authorized to take any action before the U.S. Patent & Trademark Office with respect to the Patent Application. The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

EarthLink, Inc.

By:

Samuel R. De Simone, Jr.
Signature of Corporate Officer

May 8, 2003
Date

Samuel R. De Simone, Jr.
Name of Corporate Officer

Exec. Vice President - Gen. Counsel
Title of Corporate Officer

ASSIGNMENT

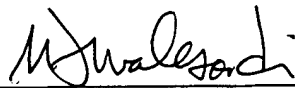
WHEREAS, OmniSky Corporation, a corporation organized and existing under the laws of the state of Delaware and having an address of One Market Street, Steuart Tower, Suite 600, San Francisco, California 94105, is the owner of the whole and entire right, title and interest in and to the patent applications listed in Attachment A and the inventions described and claimed therein; and

WHEREAS, EarthLink, Inc., a corporation organized and existing under the laws of the state of Delaware and having an address of 1375 Peachtree Street, Level A, Atlanta, Georgia 30309, is desirous of acquiring from OmniSky Corporation all right, title and interest in and to said patent applications and the inventions described and claimed therein, including any choses in action.

NOW, THEREFORE, for good and valuable consideration, the full receipt and sufficiency of which are hereby acknowledged and intending to be legally bound hereby, OmniSky Corporation hereby sells, assigns, transfers and conveys unto EarthLink, Inc. the whole and entire right, title and interest in and to (i) the patent applications listed in Attachment A hereto; (ii) the inventions described and claimed, including any choses in action, in said patent applications; (iii) all patents which may be granted on said inventions or said applications, including reissues and reexaminations; and (iv) all patent applications in every country of the world claiming right of priority from any of said patent applications; said invention, patent applications, and any Letters Patent issued thereon to be held and enjoyed by EarthLink, Inc., for its own use and benefit, and for its legal representatives and assignees to the full end of the term for which any Letters Patent may be granted, as fully and entirely as the same would have been held by OmniSky Corporation had this assignment not been made; and for the aforesaid considerations OmniSky Corporation does hereby covenant, agree and undertake to execute all assignments, lawful oaths and any other papers which may be necessary or desirable for securing to EarthLink, Inc. or for maintaining for EarthLink, Inc. the invention and the patent application assigned, and the choses in action therefor.

OMNISKY CORPORATION

2/14/02
Date

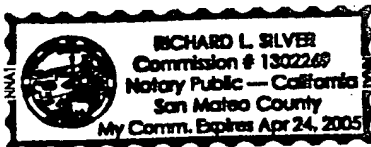
By: 
Michael Malesardi, CFO

STATE OF California)

ss.:

COUNTY OF San Francisco)

On this 14 day of February, 2002, before me, personally appeared Michael Malesardi, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.




Notary Public

ATTACHMENT A

Application No.	Filing Date	Fish & Neave Ref. No.
09/834,376	April 13, 2001	OS-003A US
09/834,379	April 13, 2001	OS-003B US
09/834,380	April 13, 2001	OS-003C US
09/905,089	July 12, 2001	OS-018 US
09/952,460	September 14, 2001	OS-019 US
PCT/US01/12123	April 13, 2001	OS-003A PCT
PCT/US01/12122	April 13, 2001	OS-003B PCT
PCT/US01/12124	April 13, 2001	OS-003C PCT

A S S I G N M E N T

WHEREAS, we, David K. Rensin, John Miniati, George Williams and Joshua Flank, residing respectively at 5005 Paradise Drive, Tiburon, California 94920; 2110 Cedar Avenue, Menlo Park, California 94025; 171 Bryant Street, #K, Palo Alto, California 94303 and 3770 Flora Vista Avenue, #1204, Santa Clara, California 95051, have made an invention entitled:

SYSTEMS AND METHODS FOR AUTOMATICALLY
ACCESSING INTERNET INFORMATION FROM A LOCAL
APPLICATION ON A HANDHELD INTERNET APPLIANCE

and have made an application for United States Letters Patent therefor, the same being assigned U.S. patent application Serial No. 09/834,376 with a filing date of April 13, 2001; and

WHEREAS, OMNISKY CORPORATION, a corporation organized and existing under the laws of the State of Delaware and having a place of business at One Market Street, Steuart Tower, Suite 600, San Francisco, California 94105, is desirous of acquiring the entire interest in said invention, said United States patent application and in any Letters Patent which may issue thereon;

NOW, THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) paid, and other good and valuable consideration, the receipt of sufficiency of which is hereby acknowledged, we do hereby sell, assign and transfer unto the said OMNISKY CORPORATION, its successors, assigns and legal representatives, all right, title and interest in and to said invention and any improvements thereof for all countries of the world, and in and to said United States patent application, including any continuations and divisions thereof, and any substitute applications therefor,

and including the right to claim priority under the International Convention based on said patent application, and any patent which may issue thereon, and any reissues of the same; and all right, title and interest in and to every patent application filed or to be filed on said invention in any other country, including renewals, revivals, continuations and divisions thereof, and any substitute applications therefor, and any and all patents which may issue thereon, and any reissues and extensions of the same;

and we hereby authorize and request competent authorities to grant and issue any and all patents on said invention to the said OMNISKY CORPORATION as the assignee of the entire interest therein; and we further agree to execute upon request of the assignee such additional documents, if any, as are necessary and proper to secure patent protection on said invention throughout all countries of the world, and to otherwise give full effect to and perfect the rights of the assignee under this Assignment.

IN TESTIMONY WHEREOF, we have hereunto signed our names on the date indicated hereinafter.

6/21/01

Date

David K. Rensin

STATE OF CALIFORNIA)

COUNTY OF San Francisco) : SS.:

On this 21st day of June, 2001, appeared before me in person the above-named David K. Rensin and acknowledged the above to be his signature and that he signed, sealed and delivered the above instrument as his voluntary act and deed, and for the uses and purposes therein set forth.

Mary M. Hamilton
Notary Public

(Notarial seal)



My Commission expires:

03-10-04

6/21/01

Date

John Miniati

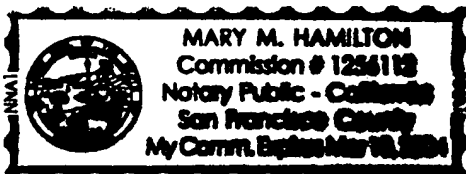
STATE OF CALIFORNIA)

COUNTY OF San Francisco) : SS.:

On this 21st day of July, 2001, appeared before me in person the above-named John Miniati and acknowledged the above to be his signature and that he signed, sealed and delivered the above instrument as his voluntary act and deed, and for the uses and purposes therein set forth.

Mary M. Hamilton
Notary Public

(Notarial seal)



My Commission expires:

3-10-2004

6/21/01
Date

George Williams
George Williams

STATE OF CALIFORNIA)

COUNTY OF San Francisco) : SS.:

On this 21st day of June, 2001, appeared before me in person the above-named George Williams and acknowledged the above to be his signature and that he signed, sealed and delivered the above instrument as his voluntary act and deed, and for the uses and purposes therein set forth.

Mary M. Hamilton
Notary Public

(Notarial seal)

My Commission expires: 03-10-04



6/21/01
Date

Joshua Flank
Joshua Flank

STATE OF CALIFORNIA)

COUNTY OF San Francisco) : SS.:

On this 21st day of June, 2001, appeared before me in person the above-named Joshua Flank and acknowledged the above to be his signature and that he signed, sealed and delivered the above instrument as his voluntary act and deed, and for the uses and purposes therein set forth.

Mary M. Hamilton
Notary Public

(Notarial seal)

My Commission expires: 03-10-04

